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Paper No. 8
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OFFICE OF PETITIONS

In re Application of :
Michael Overdick et al : DECISION GRANTING
Application No. 10/067,427 : PETITION
Filed: February 5, 2002 :
Attorney Docket No. DE 010033 :

This is a decision on the paper styled "PETITION TO CORRECT FILING RECEIPT" filed July 16, 2002, which is properly treated as a petition under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of February 5, 2002, rather than the presently accorded filing date of February 4, 2002.

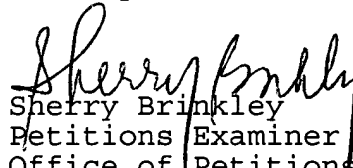
Applicants allege that the application was deposited in "Express Mail" service with the U.S. Postal Service, on February 5, 2002. In support, applicants provided, inter alia, a copy of the Express Mail label, receipt no. EV031697502S, showing a Date-In of February 5, 2002. The same Express Mail receipt number appears on the copy of the original transmittal letter found in the present application. Applicants request that the application be accorded a filing date of February 5, 2002.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on February 5, 2002.

The petition is granted. The \$130.00 petition fee is being credited to counsel's deposit account.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to February 5, 2002.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.


Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy